

AMENDED IN SENATE MAY 19, 2010

AMENDED IN SENATE MARCH 1, 2010

AMENDED IN SENATE AUGUST 27, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## Assembly Joint Resolution

No. 3

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**Introduced by Assembly ~~Member~~ Members Nava and Evans**  
*(Coauthors: Assembly Members Ammiano, Beall, Blumenfield, Brownley, Caballero, Carter, Coto, Davis, De La Torre, Eng, Feuer, Fong, Furutani, Hayashi, Hill, Huffman, Jones, Lieu, Bonnie Lowenthal, Ma, Mendoza, Monning, Ruskin, Salas, Skinner, Swanson, Torlakson, Torrico, and Yamada)*  
*(Coauthors: Senators Hancock, Lowenthal, Pavley, Price, Wiggins, and Yee)*  
*(Principal coauthor: Senator Hancock)*

January 23, 2009

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Assembly Joint Resolution No. 3—Relative to campaign finance reform.

### LEGISLATIVE COUNSEL'S DIGEST

AJR 3, as amended, Nava. ~~Political campaign funding—Offshore oil drilling.~~

*This measure would memorialize the Legislature's support of legislation currently pending in the United States Congress that would protect the Pacific Coast from new offshore oil drilling. This measure*

would also memorialize the Legislature's opposition to the proposed expansion of oil and gas drilling off the Pacific Coast and any federal energy policies and legislation that would weaken California's role in energy siting decisions due to those policies.

~~This measure memorializes the Legislature's disagreement with the decision of the United States Supreme Court in Citizens United v. Federal Election Commission and requests the Congress of the United States to pass and send to the states for ratification a constitutional amendment that would allow Congress and state legislatures to place appropriate limits on political campaign contributions and expenditures made by corporations in connection with elections.~~

Fiscal committee: no.

1     *WHEREAS, Prior to 2009, a bipartisan consensus in the*  
2     *Congress of the United States protected the California coastline*  
3     *from expanded offshore drilling for over 27 years; and*

4     *WHEREAS, The tragic and destructive oil rig explosion and*  
5     *subsequent oil spill in the Gulf of Mexico, which led to the death*  
6     *of 11 workers and millions of gallons of oil spilled into the sea, is*  
7     *a grim reminder of the risks associated with oil drilling; and*

8     *WHEREAS, Following the infamous January 29, 1969, oil spill*  
9     *that resulted in the spillage of 3.2 million gallons of crude oil and*  
10    *fouled Santa Barbara County's ocean beaches, Californians*  
11    *became even more wary about offshore oil drilling, spurring the*  
12    *passage of additional oil and gas leasing prohibitions in 1969,*  
13    *1970, and 1971; and*

14    *WHEREAS, In 1994, the California Coastal Sanctuary Act of*  
15    *1994 (Chapter 3.4 (commencing with Section 6240) of Part 1 of*  
16    *Division 6 of the Public Resources Code) became law, creating a*  
17    *comprehensive statewide coastal sanctuary that prohibits, in*  
18    *perpetuity, future oil and gas leasing in state waters, from Mexico*  
19    *to the Oregon border, and that adds leases to the sanctuary as*  
20    *they are quitclaimed to the state; and*

21    *WHEREAS, In addition, the protection of California's*  
22    *spectacular 1,100-mile coastline is of the utmost importance to a*  
23    *number of our state's coastal and ocean-dependent industries,*  
24    *including tourism and commercial fishing, which contributed over*  
25    *\$50 billion to California's economy in 2003; and*

26    *WHEREAS, California's ocean waters are also home to four*  
27    *important sanctuaries, that are, by definition, areas of special*

1 *conservation, with recreational, ecological, historical, cultural,*  
2 *archaeological, scientific, educational, and aesthetic qualities and*  
3 *are particularly sensitive to the impacts of oil development; and*

4 *WHEREAS, Additional offshore oil leasing and production*  
5 *would degrade the quality of our air and water and adversely*  
6 *impact our marine resources, including the use of seismic surveys*  
7 *that could severely impact marine mammals, including threatened*  
8 *and endangered species such as the blue and the humpback whale;*  
9 *and*

10 *WHEREAS, Offshore oil development poses a serious risk of*  
11 *oil spills, especially with the introduction of deepwater drilling*  
12 *technologies and floating oil storage and processing vessels,*  
13 *thereby threatening marine ecosystems, and could have devastating*  
14 *effects on the southern sea otter, listed as a threatened species*  
15 *since 1997, as well as onshore wildlife, birds, and their habitats*  
16 *in the ocean, in estuaries, and on beaches; and*

17 *WHEREAS, Offshore oil development also leads to the*  
18 *industrialization of the shoreline, creating land use conflicts,*  
19 *visually degrading coastal areas, damaging coastal habitat, and*  
20 *posing potentially life-threatening public safety risks; and*

21 *WHEREAS, The further development of nonrenewable resources*  
22 *that degrade our air, water, and land is contrary to our state's*  
23 *goals of reducing emissions that cause global warming, improving*  
24 *air quality, and increasing the use of renewable energy; now,*  
25 *therefore, be it*

26 *RESOLVED BY THE ASSEMBLY AND THE SENATE OF*  
27 *THE STATE OF CALIFORNIA, JOINTLY, That the Legislature*  
28 *of the State of California respectfully opposes any proposed*  
29 *expansion of oil and gas drilling off the Pacific Coast and any*  
30 *federal energy policies and legislation that would weaken*  
31 *California's legitimate role in energy siting decisions due to the*  
32 *threat posed by those policies and legislation to the integrity of*  
33 *California's coastal and ocean-dependent tourism and fishing*  
34 *economies and the consolidation of project review authority with*  
35 *the federal government; and be it further*

36 *RESOLVED, That the Legislature of the State of California*  
37 *supports legislation currently pending in the United States*  
38 *Congress that would protect the Pacific Coast from any new*  
39 *offshore oil drilling; and be it further*

1     RESOLVED, *That the Chief Clerk of the Assembly transmit*  
2 *copies of this resolution to the President and Vice President of the*  
3 *United States, to the Speaker of the House of Representatives, to*  
4 *each Senator and Representative from California in the Congress*  
5 *of the United States, to the Secretary of the Interior, and to the*  
6 *author for appropriate distribution.*

7     ~~WHEREAS, The protections afforded by the First Amendment~~  
8 ~~to the United States Constitution to the people of our nation are~~  
9 ~~fundamental to our democracy; and~~

10    ~~WHEREAS, The First Amendment was intended to ensure that~~  
11 ~~the government could not infringe on the right of the people to~~  
12 ~~freely assemble and to express their beliefs and opinions freely;~~  
13 ~~and~~

14    ~~WHEREAS, While corporations make important contributions~~  
15 ~~to our society, corporations, as legally created economic entities,~~  
16 ~~do not and should not share all of the same rights and privileges~~  
17 ~~as natural persons, such as the right to vote and the right to seek~~  
18 ~~public office; and~~

19    ~~WHEREAS, The opinion of the four dissenting justices in the~~  
20 ~~recent United States Supreme Court case Citizens United v. Federal~~  
21 ~~Election Commission (2010), No. 08-205, noted that corporations~~  
22 ~~have special advantages not enjoyed by natural persons, such as~~  
23 ~~limited liability, perpetual life, and favorable treatment of the~~  
24 ~~accumulation and distribution of assets, that allow them to spend~~  
25 ~~prodigious sums on campaign messages that have little or no~~  
26 ~~correlation with the beliefs held by natural persons; and~~

27    ~~WHEREAS, Under previous Supreme Court decisions and~~  
28 ~~existing campaign finance law, the individual shareholders of every~~  
29 ~~corporation remain entirely free to state their opinions and to~~  
30 ~~contribute money so that their opinions and beliefs can be~~  
31 ~~disseminated by whatever media they choose and to the extent~~  
32 ~~they choose outside of the corporate form; and~~

33    ~~WHEREAS, In the unanimous decision in the United States~~  
34 ~~Supreme Court case Federal Election Commission v. National~~  
35 ~~Right to Work Committee (1982) 459 U.S. 197, Justice William~~  
36 ~~Rehnquist wrote for the Court that Congress's "legislative~~  
37 ~~adjustment of the federal electoral laws, in a cautious advance,~~  
38 ~~step by step, to account for the particular legal and economic~~  
39 ~~attributes of corporations ... warrants considerable deference" and~~  
40 ~~"reflects a permissible assessment of the dangers posed by those~~

1 entities to the electoral process,” and, as Justice Rehnquist went  
2 on to write, “The governmental interest in preventing both actual  
3 corruption and the appearance of corruption of elected  
4 representatives has long been recognized, and there is no reason  
5 why it may not ... be accomplished by treating ... corporations, and  
6 similar organizations differently from individuals”; and

7 WHEREAS, The general public and political leaders in the  
8 United States have recognized, since the founding of our country,  
9 that the interests of corporations do not always correspond with  
10 the public interest and that, therefore, the political influence of  
11 corporations should be limited; and

12 WHEREAS, In 1816, Thomas Jefferson wrote, “I hope we shall  
13 crush in its birth the aristocracy of our moneyed corporations,  
14 which dare already to challenge our government to a trial of  
15 strength and bid defiance to the laws of our country”; and

16 WHEREAS, In 1864, President Abraham Lincoln wrote, “As  
17 a result of the war, corporations have been enthroned and an era  
18 of corruption in high places will follow, and the money power of  
19 the country will endeavor to prolong its reign by working upon  
20 the prejudices of the people until all wealth is aggregated in a few  
21 hands and the Republic is destroyed”; and

22 WHEREAS, In 1905, President Theodore Roosevelt said, “All  
23 contributions by corporations to any political committee or for any  
24 political purpose should be forbidden by law; directors should not  
25 be permitted to use stockholders’ money for such purposes; and,  
26 moreover, a prohibition of this kind would be, as far as it went, an  
27 effective method of stopping the evils aimed at in corrupt practices  
28 acts”; and

29 WHEREAS, In 1961, President Dwight D. Eisenhower said, in  
30 reference to the rise of defense industry corporations, “In the  
31 councils of government, we must guard against the acquisition of  
32 unwarranted influence, whether sought or unsought, by the military  
33 industrial complex. The potential for the disastrous rise of  
34 misplaced power exists and will persist”; and

35 WHEREAS, In 2002, recognizing the deleterious effects that  
36 corporate influence can have on democracy, Democrats and  
37 Republicans in Congress worked in a bipartisan manner to limit  
38 corporate contributions to election campaigns through legislation  
39 sponsored by Senators John McCain and Russell Feingold known  
40 as the Bipartisan Campaign Reform Act of 2002; and

1     ~~WHEREAS, Congress has placed special limitations on~~  
2 ~~campaign spending by corporations ever since passage of the~~  
3 ~~Tillman Act in 1907; and~~

4     ~~WHEREAS, The United States Supreme Court's ruling in~~  
5 ~~Citizens United v. Federal Election Commission invalidated critical~~  
6 ~~provisions of the Bipartisan Campaign Reform Act of 2002, which~~  
7 ~~sought to limit the influence of special interests, especially~~  
8 ~~corporations, in elections; and~~

9     ~~WHEREAS, The decision in Citizens United v. Federal Election~~  
10 ~~Commission overruled the United States Supreme Court's previous~~  
11 ~~decision in Austin v. Michigan Chamber of Commerce (1990) 494~~  
12 ~~U.S. 652 and overruled in part the Court's previous decision in~~  
13 ~~McConnell v. Federal Election Commission (2003) 540 U.S. 93;~~  
14 ~~and~~

15     ~~WHEREAS, Notwithstanding the decision in Citizens United~~  
16 ~~v. Federal Election Commission, legislators have a duty to protect~~  
17 ~~democracy and guard against the potentially detrimental effects~~  
18 ~~of corporate spending in local, state, and federal elections; now,~~  
19 ~~therefore, be it~~

20     ~~*Resolved by the Assembly and the Senate of the State of*~~  
21 ~~*California, jointly, That the Legislature of the State of California*~~  
22 ~~respectfully disagrees with the majority opinion and decision of~~  
23 ~~the United States Supreme Court in Citizens United v. Federal~~  
24 ~~Election Commission; and be it further~~

25     ~~*Resolved, That the Legislature of the State of California*~~  
26 ~~respectfully requests that the United States Congress pass and send~~  
27 ~~to the states for ratification a constitutional amendment to restore~~  
28 ~~the power of Congress and state legislatures to safeguard~~  
29 ~~democracy by placing appropriate limits on the ability of~~  
30 ~~corporations to influence the outcome of elections through political~~  
31 ~~campaign contributions and other expenditures; and be it further~~

32     ~~*Resolved, That the Chief Clerk of the Assembly transmit copies*~~  
33 ~~of this resolution to the President and Vice President of the United~~  
34 ~~States, to the Speaker of the House of Representatives, to each~~  
35 ~~Senator and Representative from California in the Congress of the~~  
36 ~~United States, and to the author for appropriate distribution.~~

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